did not intend to or believe I was giving up the right to be heard after spending multiples of what I spent on my college and law school educations (at Georgetown for one year with a perfect records, with no high school, then at Harvard for nearly four more, and then after that honors not only as an undergraduate but a law graduate from the latter school). Friends have encouraged me to stay alive as long as possible so that my "suffering does not go to waste," when what has happened to me could be used to show that it should not happen to anyone else.

If you do not let me have more than four days notice, I do not see how any higher court could consider that fair. I have had no notice that you were denhing my motion for reconsideration and you have barred the testimony if I can acquire it even of an eyewitness to abusive conduct by employees called by higher level employees with knowledge of my complaints and interest to know whether I HAD SUED YET AND IN WHICH COURT – STATE OR FEDERAL.

I hope you will let me have to at least Jan. 15 with this NEW task you impose, for it is a new task defined by very unclear borders. I therefore also ask for guidance or else you will get a list of all the exhibits I would use in this case, and if you want more than a list, REDACTION IS A QUESTION THAT IS STILL UNRESOLVED BECAUSE DEFENDANTS DID NOT DO ANY IN LINE WITH THE PROTECTIVE ORDER. As to witnesses, I wonder what you mean if you will not let me have someone testify to abuse they saw, and then let me tie it to knowledge by someone else who called the abusers to explicitly provide "an escort" for me, while knowing I had made complaints that that level of employee believed were directed at them and their employing institution. As they were, though most promimently agains the institution, not individuals, which makes the 8 month exercise Judge Freeman insisted we engage in to identify all natural persons who might be defendants as much of a waste of time as it was a bust. I said I did not want to sue individuals and under the ADA, an entity is responsible for METHODS OF ADMINISTRATION THAT FACILITATE OR CONDONE DISCRIMINATION BY OTHERS, not just its own policies and practices that are discriminatory. THE DESIRE AND INCENTIVE TO COVER ALL OF THIS UP WITH TEN YEARS OF LITIGATION AND SIX LAWYERS OF RECORD ON THE DOCKET SHOULD SPEAK FOR ITSELF ALREADY, BUT WE SHOUD HAVE A TRIAL ... The question now seems to be that YOU don't want a trial thought you, Judge Sullivan, are the person who held on to this case when I took a direct appeal in March 2014, and you are the person who "clarified" that you meant to allow a FEDERAL claim among the ones I had made, which in turn naturally depends on using proof of other federal claims, especially discrimination, EVEN IF YOU DO NOT ALLOW THE JURY TO MAKE A FINDING ON WHETHER DISCRIMINATION OCCURRED OR NOT FOR LIABILITY PURPOSES AND ONLY INSOFAR AS NECESSARY TO SHOW MOTIVE RESULTING IN A JUDGMENT IN MY FAVOR FROM THE JURY ON GROUNDS OF RETALIATION!

(family member's surgery is just after ideally I'd have 10 days made for that goal, unexpected reason.

Finally, while I will submit something in lieu of this long document with a "list" appended rather than contained within it (and given I <u>just got</u> your order declining my motion for reconsideration which I thought had been

eminently reasonable and you might agree just as you had relented and allowed the word "federal" to modify the word "retaliation" in respect of the last part of your March 19-20, 2014 order, as to a single event in 2004 that was PRECEDED BY A LONG CONTEXT OF THREE YEARS OF COMPLAINTS by me followed by retaliation. That context builds and is part of the understanding that staff AND ADMINISTRATION of the two Defendant corporations I did/would have had even by mid-Nov. 2004 (or the jury would assess whether they did have, insofar as I would show it and testify MYSELF, as well as with documents and other witnesses or to save money their depositions where available, and we have at least 18 separate individuals who have given depositions, as I recall).

I will submit what I can but would appreciate your clarifying what you have in mind or if you would like to reverse your earlier clarifications of your March 19-20, 2014 order or have revised it (you indicated you had not). I have explained already the basic (most basic) problems I see with that opinion EVEN IF YOU ONLY HEARD FROM ONE SIDE IN THIS CASE, which is what you have done (without my consenting as you implied in Jan. 2014 orders; to the contrary, I want to answer on the record and Defendants are NOT PREJUDICED by these delays and your letting THEM have multiple tries to get this case dismissed on NON-MERITS based grounds, most recently a claim already heard and rejected by the Second Circuit years ago. Relitigating that recycled claim took a lot out of me, and was not fair to me. You have not punished them for misleading you into the claim that they had never made such a defense as they in fact had in 2006 in the Second Circuit. If they had won, my case would not still be here. They lost.

It is time to have this done fairly. I have people telling me that what I say in this submission will not matter because the last thing you or Defendants want is for me to have the trial you offered to me. What this trial would include I have tried to sketch and you have not responded at all. If you want all my evidence I am glad to file my answer to Defendants; motion for summary judgment AND the part that concerns their Nov. 2004 liability in addition to the rest. Otherwise, the context still remains relevant, so I will hope that you will take a list of a subset of my answer and allow that to be heard.

OTHERWISE, the year will have been lost, but that is NOT my doing.. You did hold on to this case after I took a very explicit appeal and explained what I thought was incorrect about your decision of March 19-20, 2014, though I was only given a page or less in which to set that forth in connection with my appeal on March 27, 2014. I took the appeal in good faith and/or protectively as some practitioners might say. I thought you were done. Now it is unclear whether you regret having clarified your order of March 19-20, 2014 as you did. It does entail – or should -- -that I get to put on a great

majority of my case for discrimination and evidence of how seriously it was taken.

I am very ill and under pain management (modest so I can try to complete this letter and other obligations). I have a family member scheduled for surgery so I will do my level best to submit something shorter and to read this over (I can shorten things if I have time – four days is not much time and not really fair to a pro se litigant with serious medical problems. I hope you will wish my family as much wellbeing as you did Ms. Cornacchio's family on the occasion of her daughter's surprise engagement which entailed rescheduling so as to accommodate her happiness.

The Defendants have had six counsel of record on this case for over nine years, and have sent as many as three to a court conference solely to discuss discovery obligations they were refusing to follow (e.g. August 6, 2010 conference before Magistrate Judge Freeman). They did bring a claim about timeliness that did not prevail, and they have misled you into hearing that again and requiring me to re-litigate it. All of this is useful to exhaust someone who is expected to die young (-ish), but it does not serve the public interest. Threatening me with sanctions when I was expressly told by this Court to focus my energies and paper limitation on briefs and exhibits on whether my case was timely filed and should have been amended to include Nov.. 2004 and subsequent incidents, is with respect not fair to me. I am trying to do what you have ordered. You just denied a motion without any indication of what you will permit to be considered. I am pro se, and under the SAME standard as persons without law degrees after the decision in No. 05-6920. That standard is supposed to mean something. In any event, I need more than four days after having been ordered that my space was limited and I should focus on the statutes of limitations issue (even though I told you I thought we had litigated it nine years earlier and we had, eight to nine years earlier). I have said what TYPES of documents I would like to use, and why. I have tried to expand on that here, but I put it fairly concisely already. If you want a list, I want a list from my adversaries of what they intend to use. IF you want the documents, do you want them redacted?

Respectfully Submitted

Louisa Smith

Louisa Smith

Addendum on next page re: Order of DCF re fees, and Court's use (?) of April 2013 Expert reports, not to be submitted after May 18, 2012, when they were submitted to Plaintiff and later to Court. A "redo" was never authorized, or requested. The due date was 5/18/12.

(and example of malware with which I have to contend again)

majority of my case for discrimination and evidence of how seriously it was taken.

I am very ill and under pain management (modest so I can try to complete this letter and other obligations). I have a family member scheduled for surgery so I will do my level best to submit something shorter and to read this over (I can shorten things if I have time – four days is not much time and not really fair to a pro se litigant with serious medical problems. I hope you will wish my family as much wellbeing as you did Ms. Cornacchio's family on the occasion of her daughter's surprise engagement which entailed rescheduling so as to accommodate her happiness.

Respectfully Submitted

Louisa Smith

Louisa Smith

I took depositions after you and Judge Freeman declined an explicit doctor's recommendation and by person's affidavit for me to have a few weeks a full recess prior to, I should have no liability for fees – an argument I could not make while doing a cert. petition and preparing a separate 2d Circuit appeal in March 2014 depositions. I took one deposition with only salt water as sustenance (by May/April) Judge Freeman's award of fees, despite finding me eligible for pro bono counsel after review of my finances (revoking the status before she circulated my case to firms, at the demand of Defense counsel), is all the more unreasonable now, not just because she never took account of past fees accepted by Defs experts (seeking more from me than anyone else, corporate or government), AND their requirement to submit those by 5/18/13 not April 2013, I was required to accept the reports submitted when they sought fees and I sought to use them only as ADMISSIONS against interest. Depositions were had at great cost on the first year (there should only be one set) and my expert answered/replied (also costly, for me time consuming for her). It is fraud on the court and impermissible to subtract what Defendants did without permission

[22]

Cases should be resolved on their merits particularly when this hard fought and the age of this case should NOT count against that result rather it should make it all the more important.

Your attempt to blame me is not fair, or grounded in any fair reading of the history of the case and what I have filed and what all have said in open court (including the court conference transcript of June 7, 2012 proceedings that Judge Freeman ordered suppressed in direct contravention of reams of Supreme Court precedent on point as well as Second Circuit precedent I cited to her in a brief to request that she reverse herself, which fortunately she did do, so that many of the proceedings are or should be attached to the docket as transcripts (where requested after a certain date in 2011 they automatically go to the docket in pro se cases, and where requested earlier, I at least have them and so do the others who have ordered them, or who can order them from the audiotapes Judge Freeman does very sensibly permit, for those allow comparison with transcripts AND assessment of demeanor, which makes the June 7, 2012 transcript particularly useful and important for other public interest purposes even than those most directly involved the present legal action).

You have excluded an eye-witness to abusive conduct on a date you said Defendants had not addressed in their one-sided submission, that I had addressed in my pleadings. You have excluded key expert witness testimony and reports by my expert (though the Defendants' own experts reports submitted when made due to the court rather than those they sought to use instead in their submission after I had picked apart the expert reports for which there had been a due date on May 18, 2012, not April 2013, and I had been required to depose those experts IF AT ALL in August and September 2012, which I did in one instance by not taking any sustenance except salt water for 11 days before the deposition, and without repairing to a hospital to avoid the requirement or opportunity which I was told would be my only one. (Judge Freeman's fee award is completely improper for myriad reasons, and most particularly now that there has been a fraud on the court that this Court has not cared to address but I could not possibly afford to even ask to depose experts AGAIN when my funds are limited and there should have been exclusion of late reports for which due dates and depositions had been had in spring/summer 2012.

I have reasonably been trying to ascertain WHAT case you would let me put before a jury, without giving my summary judgment motion papers themselves. If you would let me file those I would be glad to do so, as I have been seeking to do so consistently and without ever intending or agreeing or wishing to give up the opportunity to be heard – QUITE the opposite.

Alan Dershowitz has done something similar to what Judge Freeman once suggested I could do in respect of the Defendants – SUE FOR

DEFAMATION on which the court has relied and they have put in the public record while insisting with your imprimatur (though you later would question whether it had been appropriate and have asked me for my position stating that I have been "inconsistent" when I have not – but my answer and the timing of release of information affects when material should be published if you refuse to hear from me and I have to go to the appeals court and Supreme Court if that fails, or consider the court of public opinion without violating the injunction the way the Defendants did without any apparent concern or fear of being punished for a transgression of that nature against the COURT not just against me. THE STATUS QUO CHANGES, not the principles at issue at base (public hearing of opposing points of a legal action with reasonable and equal time and space for exhibits presented to each side in any legal action preferable to resolution on non-merits based grounds).

ALL OF THIS (and more discussed by me or you or Defendants) becomes all the more important and shaded dramatically by and GIVEN THE DEFENDANTS VIOLATED A COURT INJUNCTION USING THE COURT'S OWN FACILITIES AND WERE NOT STOPPED IN DOING SO BY THIS COURT FOR MONTHS AFTER DOING SO, MAKING THE INFORMATION EFFECTIVELY "OUT THERE" IN THE INTERNET WILD FOREVER. I am a private individual, without the same platform.

Alan Dershowtiz

You clarified that you intended to allow a FEDERAL retaliation claim only after you had held onto a case that appeared (with your never stating it was a draft opinion) to dismiss ALL FEDERAL CLAIMS I HAD MADE, and to refer to "retaliation" as a pendent state law claim.

MY FEDERAL retaliation claim is significantly concerned with the FEDERAL discrimination claims I made, which are compounded with each additional incident that occurred of first discrimination and then retaliation, and then more of with each and every single chronological incident described (with discrimination predominating, but retaliation having to be understood CUMULATIVELY by the context of my prior complaints and the nature of those complaints – for discrimination in the main under the FEDERAL ADA AND REHABILIATION ACT LAWS -- and how seriously the Defendants took those complaints as evidenced in medical records, correspondence, and internal claimed investigations and several emails and fax cover sheets they produced while claiming they could not find the attachments – not one of which was privileged as we litigated extensively after they claimed wrongly that under federal law they could withhold most of that material as privileged (the cases they themselves cited in spring 2010 were directly to the contrary in their reasoning and holding that NO such privilege exists in a federal law action such as this one, even where there are pendent state law claims along with the federal claims).

MALWARE EVIDENCE (TIMING IS INTERESTING):
(to be replaced, not read, time not permitting)

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again without a specific reason in each specific case. a speciriconsodicenit ouw"my I have not wanted my own suffering to go to wamg to go that insalso honors t, , ergr Halll eall I have in the vter oght oightoght irgh.

, as the Second Circuit directed me back to you as if I had not already asked youeC), even though you think it is fine),), l eil, iions, rooaosdtDefe, those the second of these persons called to try to get me counsel, when this retaliatory ruse permitted by more senior staff transpiring in a hallway, usy called to ky thoand ednsnf eho olan waslow level after gau), AND D, and I am not ashamed) bsto stanin ell at r sill4 scYou are exhausting with these d ee eee memew jUiu t hot puor tryor toosrucdeedheyd aiosApriloth toth w iwht tarloth oth thedNlNo. 14-argu eharwrote for you if you take up their calaims lims and repeat them without ouuoj etUdafereoURT i to eiiw hcange). see, fucoain any event, I refer for that comment which is merely an analagotla mere anhoepfuoepfere to in oinow ytorsheduct, asinypley tis and dooEM for circlaallms ee ee in hhtabn much as A;OER inihicase any other case, we should have a hearing of the merits of the case, NOT A NON-MERITS based decision. 0 wring odetreminEPTWICE. iaims dtive order claims that d

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wrgumentavoiripf AID NEAND THE AA SEST20mweeHFENGE RTIGOMOR THE HATove rpovi ts THAT YOU WOULD RULE IN MY FAVOR IF THERE WAS ANY WIGGLE ROOM FOR DEFENDANTS IN THE SECOND CIRCUIT FILINGS NDLL THCALLAYEEae,. ,. lhx sugctor nidiSHCKsa evidentiary motions though it sounds like it. YOU ALLOWED THE LITIGATION OVER MOTION(S) IN LIMINE TO BE HIJACKED BY A BASELESS CLAIM THAT DEFENDANTS MISLEADINGLY TOLD YOU THEY HAD NEVER MADE BEFORE TO ANY COURT< WHEN THEY HAD NOT PREVAILED AFTER MAKING THE SAME ARGUMENT (or should have made all statements at that time once raising it) in the SECOND CIRCUIT IN 2006, LOSING THE ARGUMENT IN 2007. (The Second Circuit reinstated my case but did NOT rule my pleadings were deficient, rather that I should have a right to amend. If they had analyzed the law as they recently had been doing in other cases just about the same time, they would also have had cause to ADD that I DID NOT HAVE TO PLEAD FACTS, JUST SATISFY NOTICE PLEADING STANDARDS. And under the Supreme Court's admonitions directed particularly to the Second Circuit in Swierkiwizc v. SOREMA, and adhered to particularly as to CIVIL RIGHTS CASES in ATT v. Twombly, my original complaint on its face satisifies the simple notice pleading requirements that are even given as examples in the Federal Rule Books for civil cases of negligence (discussed in Sorema and the briefs filed in that case before the Supreme Court). ieulyule jn the devifistaiodocmplbm GS GHThTIFIin SOyit ucleidochastisement of the Secoen LEADINATAISmy original complaint did satisify NOTICIE PLEADING itogindcomkpliauaase to might in add timh su had ut gad n ehoridinarl cobisthe SOJthe UEO TOLD NTKTE NEOCON s slios NOT t me mainly into a RELITIGATION of their claimed Defense to the entire action which was they told you that the entire action or the amendments were untimely. THE SECOND CIRCUIT ALREADY RULED ON THIS, AND I TOLD YOU SO TAKEN ABACK THAT YOU WOULD CONSIDER ANY SUCH CLAIM. I WAS CORRECT. And I continue to ask you to withdraw your extended opinion as if you were re-wrting the Second Circuit's opinion which heard the entire argument they made or could have made then (they do NOT get a second bite at that apple, though you gave them one).

ela them trwe reOCNSI< AND I BATEAhath"gleffort to have "global defsenGIGATION "RELITot YOU converted into a motion THAT GAVE THE DEFENDANTS AN ADDITIONAL OPPORTUNITY TO RE-LITIGATE A MATTER ALREADY DECIDED BY THE SECOND CIRCUIT EIGHT YEARS EARLIER THAN THEY RAISED IT, SO THAT THEY COULD TRY TO HAVE AN ALTERNATE ROUTE TO AVOID TRIAL ON ANY ISSUE AND WIN A DISMISSAL WITHOUT ANY CONSIDERATION OF THE MERITS.

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clarified around the same time that you intended to allow a FEDERAL claim of retaliation not just state law pendent claims of retaliation (as well as medical malpractice, and assault and battery).

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Certificate of Service

I, Louisa Smith, hereby certify and affirm that on January 9, 2015, I did serve by depositing with Federal Express, for delivery within two business days, a copy of the foregoing submission from L. Smith to Hon. Richard J. Sullivan, dated Jan. 9, 2015, as required by his order of Dec. 31, 2015, and with the offer and request to replace it given time constraints due to late notice (or little notice), in connection with Smith v. New York Presbyt. Hosp. et al. SDNY, (No. 05-7729)(RJS)(DF-recused as of Feb. 28, 2013), on the following counsel for Defendants who have appeared in the action:

Louisa Smith

Louisa Smith

Jan. 9, 2015

Daniel Ratner, Esq.
Elizabeth Cornacchio, Esq.
Heidell Pittoni Murphy and Bach LLP
99 Park Avenue
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